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DEC 26 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Patent Application of

Tim M. Hoberock et al.

Application No. 09/976,068

Filed: October 11, 2001

For: Computer or Computer Resource
Lock Control Device and Method
of Implementing Same

Group Art Unit: 2134

Examiner: TRAN, Ellen C.

Conf. No.: 1566

APPEAL BRIEFMail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to Appellants' filing of an Appeal Brief on June 12, 2007, the Examiner of this application reopened prosecution with a non-final Office Action dated September, 26 2007 (the "Office Action" or the "Action"). Having reviewed the new grounds of rejection raised in the Office Action of 26 September, Appellants hereby request re-instatement of the appeal in this application and files the present, updated Appeal Brief, along with a new Notice of Appeal, in support of the re-instated appeal.

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I. Real Party in Interest

The real party in interest is Hewlett-Packard Development Company, LP, a limited partnership established under the laws of the State of Texas and having a principal place of business at 20555 S.H. 249 Houston, TX 77070, U.S.A. (hereinafter "HPDC"). HPDC is a Texas limited partnership and is a wholly-owned affiliate of Hewlett-Packard Company, a Delaware Corporation, headquartered in Palo Alto, CA. The general or managing partner of HPDC is HPQ Holdings, LLC.

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II. Related Appeals and Interferences

There are no appeals or interferences related to the present application of which the Appellants are aware.

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III. Status of Claims

Original claims 8 and 17-20 have been cancelled previously without prejudice or disclaimer. Thus, claims 1-7, 9-16 and 21-28 are currently pending for review and stand rejected. Accordingly, Appellant appeals from the rejection of claims 1-7, 9-16 and 21-28, which claims are presented in the Appendix.

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IV. Status of Amendments

Following the final Office Action of December 20, 2006, Appellant filed a single after-final response dated February 14, 2007. However, that response proposed no amendments to the application. Consequently, its entry into the record can have no effect on the content of the claims presented in this appeal. Appellant has filed no amendments subsequent to the most recent Office Action of September 26, 2007.

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V. Summary of Claimed Subject Matter

Appellant's specification describes a system for controlling use of a piece of office equipment or a particular resource available through that piece of equipment. In one example, a system may include a piece of office equipment; and a lock control device connected to that piece of office equipment. The lock control device is activated by presentation of an identifier of an authorized user. The lock control device controls user operation of the office equipment by enabling operation of the office equipment or a resource available through that office equipment to the authorized user. (*Applicant's specification, paragraph 0015*).

The office equipment so secured may be, for example, a computer or computer terminal. The lock control device may be, for example, a proximity card sensor or a magnetic card reader. Preferably, the lock control device is connected to the computer or computer terminal via a daisy chain connector that also connects one or more user input devices to the computer or computer terminal. (*Applicant's specification, paragraph 0016*).

In other embodiments, the lock control device controls may be used to control access to a particular application residing on the computer or accessible through the computer terminal. The lock control device may also control access to other resources available on or through the computer or computer terminal such as a network or network server. (*Applicant's specification, paragraph 0017*).

Preferably, the secured computer or computer terminal has a timer for timing periods during which the computer or computer terminal receives no user input. The computer or computer terminal enters a locked state upon elapse of a pre-determined period during which no user input is received. An authorized user may unlock the computer or computer terminal by operating the lock control device (*Applicant's specification, paragraph 0018*).

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The principles described herein are not limited to the system summarized above, but also encompasses variations of this system as well the methods of making and operating the system. For example, a method for controlling use of a piece of office equipment or a particular resource available through that piece of equipment may be performed by enabling operation of the piece of office equipment or a resource available through that office equipment to an authorized user upon presentation of an identifier of the authorized user to a lock control device connected to the piece of office equipment.

(Applicant's specification, paragraph 0019).

Turning to specific claims:

Claim 1 recites:

A system for controlling use of a piece of office equipment or a particular resource available through that piece of equipment, said system comprising:

a piece of office equipment (e.g., 100) comprising a timer for timing periods during which said equipment receives no user input through a keyboard (103) or mouse (104), wherein said equipment automatically enters a locked state upon elapse of a pre-determined period measured by said timer during which no user input through a keyboard or mouse is received *(Applicant's specification, paragraph 0032)*; and

a lock control device (e.g., 120, 130) connected to said piece of office equipment, wherein said lock control device is activated to unlock said equipment upon presentation of a physical identifier (e.g., 121, 131) of an authorized user to a sensor of said lock control device, said sensor sensing a physical presence of said identifier and recognizing said identifier to identify said authorized user *(Applicant's specification, paragraph 0033)*,

wherein said lock control device controls user operation of said office equipment by selectively enabling operation of said office equipment or a resource available through that office equipment based on sensing and recognizing said identifier of said authorized user *(Applicant's specification, paragraph 0036)*.

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Claim 9 recites:

A method for controlling use of a piece of office equipment (e.g., 100) or a particular resource available through that piece of equipment, said method comprising:

timing a period during which said equipment receives no user input through a keyboard or mouse, and placing said equipment or a resource available through said equipment into a locked state upon elapse of a pre-determined period during which no user input through a keyboard or mouse is received (*Applicant's specification, paragraph 0032*); and

re-enabling operation of said piece of office equipment or a resource available through that office equipment to an authorized user upon presentation of an identifier of said authorized user to a sensor of a lock control device (e.g., 120, 130) connected to said piece of office equipment, wherein said sensor senses and recognizes said identifier to identify said authorized user (*Applicant's specification, paragraph 0035*).

Claim 22 recites:

A system for controlling use of a piece of office equipment or a particular resource available through that piece of equipment, said system comprising:

a piece of office equipment (e.g., 100) comprising a timer for timing periods during which said equipment receives no user input, wherein said equipment automatically enters a locked state upon elapse of a first predetermined period of time during which no user input is received (*Applicant's specification, paragraph 0032*); and

a lock control device (e.g., 120, 130) connected to said piece of office equipment, wherein said lock control device is configured to unlock said piece of office equipment upon presentation of an identifier (e.g., 121, 131) of an authorized user to a sensor of said lock control device, said sensor sensing and recognizing said identifier to identify said authorized user (*Applicant's specification, paragraph 0033*),

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wherein a user initially unlocks said piece of office equipment with entry of at least one password (*Applicant's specification, paragraph 0037*); and

wherein said lock control device then allows said user to unlock said piece of office equipment with presentation of said identifier and without re-entry of said at least one password (*Applicant's specification, paragraph 0036*), said lock control device being active to unlock said piece of office equipment during a second predetermined period of time following entry of said at least one password, with re-entry of said password being required to unlock said piece of office equipment after elapse of said second predetermined period of time, said second predetermined period of time being longer than said first predetermined period of time (*Applicant's specification, paragraph 0037*).

Claim 23 recites:

A system for controlling use of a piece of office equipment or a particular resource available through that piece of equipment, said system comprising:

a piece of office equipment (e.g., 100) comprising a timer for timing periods during which said equipment receives no user input, wherein said equipment automatically enters a locked state upon elapse of a pre-determined period measured by said timer during which no user input is received (*Applicant's specification, paragraph 0032*); and

a lock control device (e.g., 120, 130) connected to said piece of office equipment, wherein said lock control device is activated to unlock said equipment upon presentation of an identifier (e.g., 121, 131) of an authorized user to a sensor of said lock control device, said sensor sensing and recognizing said identifier to identify said authorized user (*Applicant's specification, paragraph 0033*),

wherein said lock control device controls user operation of said office equipment by selectively enabling operation of said office equipment or a resource available through that office equipment based on sensing and recognizing said identifier of said authorized user (*Applicant's specification, paragraph 0036*);

wherein said identifier comprises a credit card (*Applicant's specification, paragraph 0042*).

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Claim 26 recites:

A method for controlling use of a piece of office equipment (e.g., 100) or a particular resource available through that piece of equipment, said method comprising:

timing a period during which said equipment receives no user input and placing said equipment or a resource available through said equipment into a locked state upon elapse of a first predetermined period during which no user input is received (*Applicant's specification, paragraph 0032*); and

re-enabling operation of said piece of office equipment or a resource available through that office equipment to an authorized user upon presentation of an identifier of said authorized user to a sensor of a lock control device (e.g., 120, 130) connected to said piece of office equipment, wherein said sensor senses and recognizes said identifier to identify said authorized user (*Applicant's specification, paragraph 0035*);

said method further comprising:

initially unlocking said piece of office equipment with entry of at least one password (*Applicant's specification, paragraph 0037*);

allowing a user to subsequently unlock said piece of office equipment by presentation of said user identifier rather than re-entry of said at least one password (*Applicant's specification, paragraph 0036*); and

unlocking said piece of office equipment with said identifier for a second predetermined period after entry of said at least one password, with re-entry of said password being required to unlock said piece of office equipment after elapse of said second predetermined period of time, said second predetermined period of time being longer than said first predetermined period of time (*Applicant's specification, paragraph 0037*).

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Claim 27 recites:

A method for controlling use of a piece of office equipment (e.g., 100) or a particular resource available through that piece of equipment, said method comprising:

timing a period during which said equipment receives no user input and placing said equipment or a resource available through said equipment into a locked state upon elapse of a pre-determined period during which no user input is received (*Applicant's specification, paragraph 0032*); and

re-enabling operation of said piece of office equipment or a resource available through that office equipment to an authorized user upon presentation of an identifier of said authorized user to a sensor of a lock control device (e.g., 120, 130) connected to said piece of office equipment, wherein said sensor senses and recognizes said identifier to identify said authorized user (*Applicant's specification, paragraph 0035*);

wherein said identifier comprises a credit card (*Applicant's specification, paragraph 0042*).

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VI. Grounds of Rejection to be Reviewed on Appeal

In the Office Action of September 26, 2007, the following grounds of rejection were made.

- (1) Claims 1-3, 6, 9-11, 14 and 16 were rejected as being anticipated under 35 U.S.C. § 102(b) by U.S. Patent No. 6,189,105 to Lopes ("Lopes").
- (2) Claims 21, 22, 25 and 26 were rejected under 35 U.S.C. § 103(a) over the teachings of Lopes taken alone.
- (3) Claims 4, 5, 7, 12, 13, 15, 24 and 28 were rejected under 35 U.S.C. § 103(a) over the combined teachings of Lopes and U.S. Patent No. 6,823,451 to Gulick et al. ("Gulick").
- (4) Claims 23 and 27 were rejected under 35 U.S.C. § 103(a) over the combined teachings of Lopes and U.S. Patent No. 6,609,102 to Kolls ("Kolls").

Accordingly, the Appellant request review in this appeal of these grounds of rejection in view of the following arguments.

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VII. Argument

(1) Claims 1-3, 6, 9-11, 14 and 16 are patentable over Lopes

Claims 1 and 9:

Claim 1 recites:

A system for controlling use of a piece of office equipment or a particular resource available through that piece of equipment, said system comprising:

a piece of office equipment comprising a timer for timing periods during which said equipment receives no user input through a keyboard or mouse, *wherein said equipment automatically enters a locked state upon elapse of a pre-determined period measured by said timer during which no user input through a keyboard or mouse is received*; and

a lock control device connected to said piece of office equipment, wherein said lock control device is activated to unlock said equipment upon presentation of a physical identifier of an authorized user to a sensor of said lock control device, said sensor sensing a physical presence of said identifier and recognizing said identifier to identify said authorized user,

wherein said lock control device controls user operation of said office equipment by selectively enabling operation of said office equipment or a resource available through that office equipment based on sensing and recognizing said identifier of said authorized user.

(Emphasis added).

Similarly, claim 9 recites:

A method for controlling use of a piece of office equipment or a particular resource available through that piece of equipment, said method comprising:

timing a period during which said equipment receives no user input through a keyboard or mouse, and *placing said equipment or a resource available through said equipment into a locked state upon elapse of a pre-determined period during which no user input through a keyboard or mouse is received*; and

re-enabling operation of said piece of office equipment or a resource available through that office equipment to an authorized user upon presentation of an identifier of said authorized user to a sensor of a lock control device connected to said piece of office equipment, wherein said sensor senses and recognizes said identifier to identify said authorized user.

(Emphasis added).

In contrast, Lopes teaches:

A method and apparatus for continuously authorizing a computer for use. A proximity detection system provides a coded message from a badge on an authorized user to a proximity reader in communication with the computer. ... If an authorizing code is not received, a desired feature of the computer (e.g., the display, the keyboard,

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the mode of the processor) is disabled until the authorized user again enters the proximity zone of the computer.

(Lopes, abstract).

Thus, Lopes teaches disabling the use of a computer upon failure to detect a coded message on a badge, i.e., a proximity card, worn by an authorized user. Lopes has not been shown to teach or suggest the claimed system or method including "placing said equipment or a resource available through said equipment into a locked state upon elapse of a pre-determined period during which no user input *through a keyboard or mouse* is received." (Emphasis added). Clearly, locking a computer upon failure to detect a proximity card is different that locking a computer due to lack of input through a keyboard or mouse as claimed.

The recent Office Action refers to Lopes at col. 6, lines 38-50 (Action, p. 3). This portion of Lopes merely teaches that when detecting the presence of a proximity card, the system can also *additionally* detect the corresponding presence of a person using, for example, input from a keyboard. According to Lopes, "the proximity system may include a detection of the presence of an object (i.e., a person) synchronously with the detection of an authorized proximity detector. For instance, FIG. 4 shows a process for synchronously detecting the presence of a person in proximity to the computer together with a check of authority of the detected person. In FIG. 4, presence of a person is detected in step 482. Presence may be determined in any of a number of ways, e.g., by detection of a keypress on the keyboard." (Lopes, col. 6, lines 38-50). As stated clearly by Lopes, this detection of keyboard input is to verify the presence of a person already indicated by detection of that person's authorization using the proximity detector and proximity card or badge discussed earlier, and certainly does not change the fact that Lopes primarily teaches the continuous detection of a proximity card as a requirement for granting system access.

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These teachings of Lopes have nothing whatsoever to do with locking the computer or other resource in the first place based on the *absence* of input through a mouse or keyboard. Consequently, the arguments of the Action in this regard are totally inapposite to the claimed subject matter.

Lopes does not teach or suggest, nor is it inherent in Lopes, that the computer is placed into a locked state based on a lack of user input *through a keyboard or mouse* as claimed. Rather, Lopes teaches that the system is locked if a proximity card is *not* detected. (Lopes, abstract). Thus, Lopes does not teach or suggest “wherein said equipment automatically enters a locked state upon elapse of a pre-determined period measured by said timer during which no user input through a keyboard or mouse is received.”

“A claim is anticipated [under 35 U.S.C. § 102] only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987) (emphasis added). See M.P.E.P. § 2131. For at least these reasons, the rejection of claims 1 and 9 and their respective dependent claims should not be sustained.

(2) Claims 21, 22, 25 and 26 are patentable over Lopes

Claim 22 recites:

A system for controlling use of a piece of office equipment or a particular resource available through that piece of equipment, said system comprising:

a piece of office equipment comprising a timer for timing periods during which said equipment receives no user input, wherein said equipment automatically enters a locked state upon elapse of a first predetermined period of time during which no user input is received; and

a lock control device connected to said piece of office equipment, wherein said lock control device is configured to unlock said piece of office equipment upon presentation of an identifier of an authorized user to a sensor of said lock control device, said sensor sensing and recognizing said identifier to identify said authorized user,

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wherein a user initially unlocks said piece of office equipment with entry of at least one password; and

wherein said lock control device then allows said user to unlock said piece of office equipment with presentation of said identifier and without re-entry of said at least one password, said lock control device being active to unlock said piece of office equipment during a second predetermined period of time following entry of said at least one password, with re-entry of said password being required to unlock said piece of office equipment after elapse of said second predetermined period of time, said second predetermined period of time being longer than said first predetermined period of time.

(Emphasis added).

Claim 26 similarly recites:

A method for controlling use of a piece of office equipment or a particular resource available through that piece of equipment, said method comprising:

timing a period during which said equipment receives no user input and placing said equipment or a resource available through said equipment into a locked state upon elapse of a first predetermined period during which no user input is received; and

re-enabling operation of said piece of office equipment or a resource available through that office equipment to an authorized user upon presentation of an identifier of said authorized user to a sensor of a lock control device connected to said piece of office equipment, wherein said sensor senses and recognizes said identifier to identify said authorized user;

said method further comprising:

initially unlocking said piece of office equipment with entry of at least one password;

allowing a user to subsequently unlock said piece of office equipment by presentation of said user identifier rather than re-entry of said at least one password; and

unlocking said piece of office equipment with said identifier for a second predetermined period after entry of said at least one password, with re-entry of said password being required to unlock said piece of office equipment after elapse of said second predetermined period of time, said second predetermined period of time being longer than said first predetermined period of time.

(Emphasis added).

Thus, claims 22 and 26 recite that a password is entered to initially unlock a piece of office equipment for a predetermined period of time during which a separate identifier can be used instead of the password to unlock the equipment, "with re-entry of said password being required to unlock said piece of office equipment [only] after elapse of said second predetermined period of time." Thus, Appellant recites, not just initially unlocking a piece of

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office equipment with a password, but timing a “second predetermined period of time” during which the password need not be re-entered if another identifier, as claimed, is used. The recent Action consistently fails to understand what is being recited in claims 22 and 26 and to respond to *all* of the subject matter recited by Appellant in claims 22 and 26.

In contrast to claims 22 and 26, Lopes does not teach or suggest initially unlocking a piece of office equipment with a password *and* then timing a “second predetermined period of time” during which the password need not be re-entered if another identifier, as claimed, is used. In this regard, the Office Action cites Lopes at col. 5, lines 9-39 and col. 8, lines 10-22. (Action, pp. 4 and 8).

Col. 5 of Lopes, as cited, teaches a period of time between checks that seek to detect the presence of a proximity badge on an authorized user. This is entirely without reference to any use of a password or a period of time initiated by entry of a password.

Col. 8 of Lopes, as cited, teaches: “[w]hile all embodiments herein provide continuous security of a computer (as opposed to the conventional method of password entry to provide a one-time authority check), the present invention does not preclude and in fact prefers the use of passwords in addition to the continuous authorization in accordance with the principles of the present invention to provide increased security.” This statement appears to merely refer to the initial use of a password to access a resource without addressing the additionally claimed subject matter of timing a predetermined period of time during which a separate identifier can be used instead of the password to unlock the equipment, “with re-entry of said password being required to unlock said piece of office equipment after elapse of said second predetermined period of time.”

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Thus, Lopes does not teach or suggest the subject matter of claims 22 and 26. Moreover, the Examiner has failed to demonstrate how or where Lopes teaches this subject matter.

Under the analysis required by *Graham v. John Deere*, 383 U.S. 1 (1966) to support a rejection under § 103, the scope and content of the prior art must first be determined, followed by an assessment of the differences between the prior art and the claim at issue in view of the ordinary skill in the art. In the present case, the scope and content of the prior art, as evidenced by Lopes, did not include the claimed subject matter of claims 22 and 26.

While it is known to use a password to gain access to a computer, the Examiner fails to read any deeper into the recitations of these claims. The Examiner has failed to demonstrate that the scope and content of the prior art included the claimed subject matter of a password that is entered to *initially* unlock a piece of office equipment for a predetermined period of time during which a separate identifier can be used *instead of the password* to unlock the equipment, "with re-entry of said password being required to unlock said piece of office equipment [only] after elapse of said second predetermined period of time."

This difference between the claimed subject matter and the cited prior art is significant. Lopes only teaches the continuous detection of a proximity card authorizing a user to operating a computer. In contrast, Appellant's system does not use or rely on a proximity card, but more flexibly secures a computer or office resource using both a password and an alternative user identifier that can, for a specific time, be used in place of the password. This subject matter is wholly beyond the scope of the prior art represented by Lopes.

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For at least these reasons, Lopes will not support a rejection of claims 22 and 26 under 35 U.S.C. § 103 and *Graham*. Therefore, the rejections of claims 22 and 26 should not be sustained.

(3) Claims 4, 5, 7, 12, 13, 15, 24 and 28 are patentable over Lopes and Gulick

This rejection is respectfully traversed for at least the same reasons given above in regard to the patentability of the corresponding independent claim.

(4) Claims 23 and 27 are patentable over Lopes and Kolls:

Claim 23 recites:

A system for controlling use of a piece of office equipment or a particular resource available through that piece of equipment, said system comprising:

a piece of office equipment comprising a timer for timing periods during which said equipment receives no user input, wherein said equipment automatically enters a locked state upon elapse of a pre-determined period measured by said timer during which no user input is received; and

a lock control device connected to said piece of office equipment, wherein said lock control device is activated to unlock said equipment upon presentation of an identifier of an authorized user to a sensor of said lock control device, said sensor sensing and recognizing said identifier to identify said authorized user,

wherein said lock control device controls user operation of said office equipment by selectively enabling operation of said office equipment or a resource available through that office equipment based on sensing and recognizing said identifier of said authorized user.

wherein said identifier comprises a credit card.

(Emphasis added).

Similarly, claim 27 recites:

A method for controlling use of a piece of office equipment or a particular resource available through that piece of equipment, said method comprising:

timing a period during which said equipment receives no user input and placing said equipment or a resource available through said equipment into a locked state upon elapse of a pre-determined period during which no user input is received; and

re-enabling operation of said piece of office equipment or a resource available through that office equipment to an authorized user upon presentation of an identifier

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of said authorized user to a sensor of a lock control device connected to said piece of office equipment, wherein said sensor senses and recognizes said identifier to identify said authorized user;

wherein said identifier comprises a credit card.

(Emphasis added).

The rejection of claims 23 and 27 should not be sustained for at least the same reasons given above with respect to the other independent claims. Specifically, Lopes does not teach or suggest a system or method in which "a piece of office equipment comprising a timer for timing periods during which said equipment receives no user input, wherein said equipment automatically enters a locked state upon elapse of a pre-determined period measured by said timer during which no user input is received."

Additionally, at long last, the Examiner has conceded that Lopes does not teach or suggest the claimed "lock control device [that] is activated to unlock said equipment upon presentation of an identifier of an authorized user to a sensor of said lock control device" "wherein said identifier comprises a credit card." (Action, p. 11). In light of this clear shortcoming in Lopes, the Office Action now cites to Kolls for this subject matter. (*Id.*).

Kolls teaches "a transaction control device connected with said controller for receiving financial data of said user necessary to said vend of said at least one product" (Koll, claim 3), "wherein said transaction control device is a coin or currency acceptor" (claim 4), wherein said transaction control device is a debit card terminal" (claim 5) and "wherein said transaction control device is a credit card terminal" (claim 6).

Koll further teaches

An "unmanned" business center can be open for business 24-hours a day. This type of center typically relies on coin-cash-card systems to activate the business center's equipment. The type of card accepted is a magnetic card which includes a credit card, a smart card, a debit card, a pre-paid, automated teller machine ("ATM") or other bank or private issued card. Coin-cash-card systems are well known for copiers, however, for faxing, PC's, and other types of vending equipment and services, reliance on these types of systems alone can be awkward and in certain situations impractical.

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(Koll, col. 2, lines 18-28).

A transaction control device 108 is defined as any device that can accept coins, currency, magnetic cards, smart cards, credit cards, debit cards or other value storing medium and is capable of communicating a set of qualifying/disqualifying data or enabling/disabling data to a second control device. Transaction control devices such as a debit card reader-writer, a coin or currency activated device or a credit card terminal provide a means for indicating to external peripheral devices that a set of satisfying criteria has been met and allowance of system use is granted (an enabling signal).

(Koll, col. 5, lines 33-43).

Thus, Koll merely teaches the traditional use of a credit card as a means of paying for services which are then allowed in an automated environment. Koll clearly does not teach or suggest the subject matter for which it was cited, i.e., the claimed use of a credit card solely as an "identifier" that identifies a specific user who has previously been designated as an authorized user of the system, as recited in claims 23 and 27, without reference to a financial transaction.

Moreover, the teachings of Lopes and Koll are entirely unrelated. Lopes teaches a secured system in which a proximity card identifying an authorized user must be continuously present for access to the system to be granted. (Lopes, abstract). Koll teaches an automated "unmanned" business center in which anyone can pay for access to resources with, for example, a credit card, regardless of that person's identity. (Koll, col. 5, lines 33-43).

Taken together, these two references clearly do not equate to the subject matter recited by the Appellant in claims 23 and 27.

Under the analysis required by *Graham v. John Deere*, 383 U.S. 1 (1966) to support a rejection under § 103, the scope and content of the prior art must first be determined, followed by an assessment of the differences between the prior art and the claim at issue in view of the ordinary skill in the art. In the present case, the scope and content of the prior art, as evidenced by Lopes and Kolls, clearly did not include the idea of using a credit card to

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identify a pre-authorized user of office equipment outside the context of a financial transaction.

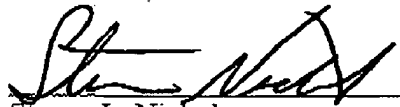
This difference between the claimed subject matter and the cited prior art is significant. Appellant's claimed method and system allow security for office equipment, such as a computer system, without requiring the constant re-entry of a password or the continuous presence of a proximity card as in Lopes. (Appellant's specification, paragraph 0048). This subject matter and its advantages were not available in, and are beyond the scope of, the cited prior art.

For at least these reasons, Lopes and Kolls will not support a rejection of claims 23 and 27 under 35 U.S.C. § 103(a) and *Graham*. For at least these reasons, the rejection of claims 23 and 27 should not be sustained.

In view of the foregoing, it is submitted that the final rejection of the pending claims is improper and should not be sustained. Therefore, a reversal of the Rejection of September 26, 2007 is respectfully requested.

Respectfully submitted,

DATE: December 26, 2007


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I hereby certify that this correspondence is being transmitted to the Patent and Trademark Office facsimile number **571-273-8300** on **December 26, 2007**. Number of Pages: **36**


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VIII. CLAIMS APPENDIX

1. (previously presented) A system for controlling use of a piece of office equipment or a particular resource available through that piece of equipment, said system comprising:

a piece of office equipment comprising a timer for timing periods during which said equipment receives no user input through a keyboard or mouse, wherein said equipment automatically enters a locked state upon elapse of a pre-determined period measured by said timer during which no user input through a keyboard or mouse is received; and

a lock control device connected to said piece of office equipment, wherein said lock control device is activated to unlock said equipment upon presentation of a physical identifier of an authorized user to a sensor of said lock control device, said sensor sensing a physical presence of said identifier and recognizing said identifier to identify said authorized user,

wherein said lock control device controls user operation of said office equipment by selectively enabling operation of said office equipment or a resource available through office equipment based on sensing and recognizing said identifier of said authorized user.

2. (original) The system of claim 1, wherein said piece of office equipment is a computer or computer terminal.

3. (previously presented) The system of claim 1, wherein said lock control device comprises a proximity card sensor.

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4. (previously presented) The system of claim 1, wherein said lock control device comprises a magnetic card reader.

5. (previously presented) The system of claim 2, wherein said lock control device is connected to said computer or computer terminal via a connection that also connects a keyboard to said computer or computer terminal.

6. (original) The system of claim 2, wherein said lock control device controls access to a particular application residing on said computer or accessible through said computer terminal.

7. (original) The system of claim 2, further comprising a computer network with at least one network server to which said computer is connected, wherein said lock control device controls access to said network server from said computer.

8. (cancelled)

9. (previously presented) A method for controlling use of a piece of office equipment or a particular resource available through that piece of equipment, said method comprising:

timing a period during which said equipment receives no user input through a keyboard or mouse, and placing said equipment or a resource available through said equipment into a locked state upon elapse of a pre-determined period during which no user input through a keyboard or mouse is received; and

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re-enabling operation of said piece of office equipment or a resource available through that office equipment to an authorized user upon presentation of an identifier of said authorized user to a sensor of a lock control device connected to said piece of office equipment, wherein said sensor senses and recognizes said identifier to identify said authorized user.

10. (original) The method of claim 9, wherein said piece of office equipment is a computer or computer terminal.

11. (original) The method of claim 9, further comprising using a proximity card sensor as said lock control device.

12. (original) The method of claim 9, further comprising using a magnetic card reader as said lock control device.

13. (previously presented) The method of claim 10, further comprising connecting said lock control device to said computer or computer terminal via a connector that also connects a keyboard to said computer or computer terminal.

14. (previously presented) The method of claim 10, further comprising accessing a particular application residing on said computer or accessible through said computer terminal by presenting an identifier of said authorized user to said sensor of said lock control device.

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15. (previously presented) The method of claim 10, further comprising accessing a network server on a computer network to which said computer is connected by presenting said identifier of said authorized user to said lock control device.

16. (original) The method of claim 10, further comprising:
timing periods during which said computer or computer terminal receives no user input;
locking up or logging out said computer upon elapse of a pre-determined period during which no user input is received; and
unlocking or logging in said computer upon operation of said lock control device.

17-20. (cancelled)

21. (previously presented) The system of claim 2, wherein a user initially unlocks said computer or computer terminal with entry of at least one password, said lock control device then allowing said user to subsequently unlock said computer or computer terminal by presentation of said user identifier rather than re-entry of said at least one password.

22. (previously presented) A system for controlling use of a piece of office equipment or a particular resource available through that piece of equipment, said system comprising:

a piece of office equipment comprising a timer for timing periods during which said equipment receives no user input, wherein said equipment automatically enters a locked state

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upon elapse of a first predetermined period of time during which no user input is received;
and

a lock control device connected to said piece of office equipment, wherein said lock control device is configured to unlock said piece of office equipment upon presentation of an identifier of an authorized user to a sensor of said lock control device, said sensor sensing and recognizing said identifier to identify said authorized user,

wherein a user initially unlocks said piece of office equipment with entry of at least one password; and

wherein said lock control device then allows said user to unlock said piece of office equipment with presentation of said identifier and without re-entry of said at least one password, said lock control device being active to unlock said piece of office equipment during a second predetermined period of time following entry of said at least one password, with re-entry of said password being required to unlock said piece of office equipment after elapse of said second predetermined period of time, said second predetermined period of time being longer than said first predetermined period of time.

23. (previously presented) A system for controlling use of a piece of office equipment or a particular resource available through that piece of equipment, said system comprising:

a piece of office equipment comprising a timer for timing periods during which said equipment receives no user input, wherein said equipment automatically enters a locked state upon elapse of a pre-determined period measured by said timer during which no user input is received; and

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a lock control device connected to said piece of office equipment, wherein said lock control device is activated to unlock said equipment upon presentation of an identifier of an authorized user to a sensor of said lock control device, said sensor sensing and recognizing said identifier to identify said authorized user,

wherein said lock control device controls user operation of said office equipment by selectively enabling operation of said office equipment or a resource available through that office equipment based on sensing and recognizing said identifier of said authorized user;

wherein said identifier comprises a credit card.

24. (previously presented) The system of claim 1, wherein said identifier comprises a biological characteristic of said user.

25. (previously presented) The method of claim 10, further comprising:
initially unlocking said computer or computer terminal with entry of at least one password; and

allowing a user to subsequently unlock said computer or computer terminal by presentation of said user identifier rather than re-entry of said at least one password.

26. (previously presented) A method for controlling use of a piece of office equipment or a particular resource available through that piece of equipment, said method comprising:

timing a period during which said equipment receives no user input and placing said equipment or a resource available through said equipment into a locked state upon elapse of a first predetermined period during which no user input is received; and

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re-enabling operation of said piece of office equipment or a resource available through that office equipment to an authorized user upon presentation of an identifier of said authorized user to a sensor of a lock control device connected to said piece of office equipment, wherein said sensor senses and recognizes said identifier to identify said authorized user;

said method further comprising:

initially unlocking said piece of office equipment with entry of at least one password;

allowing a user to subsequently unlock said piece of office equipment by presentation of said user identifier rather than re-entry of said at least one password; and

unlocking said piece of office equipment with said identifier for a second predetermined period after entry of said at least one password, with re-entry of said password being required to unlock said piece of office equipment after elapse of said second predetermined period of time, said second predetermined period of time being longer than said first predetermined period of time.

27. (previously presented) A method for controlling use of a piece of office equipment or a particular resource available through that piece of equipment, said method comprising:

timing a period during which said equipment receives no user input and placing said equipment or a resource available through said equipment into a locked state upon elapse of a pre-determined period during which no user input is received; and

re-enabling operation of said piece of office equipment or a resource available through that office equipment to an authorized user upon presentation of an identifier of said authorized user to a sensor of a lock control device connected to said piece of office

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equipment, wherein said sensor senses and recognizes said identifier to identify said authorized user;

wherein said identifier comprises a credit card.

28. (previously presented) The method of claim 9, wherein said identifier comprises a biological characteristic of said user.

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IX. Evidence Appendix

None

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X. Related Proceedings Appendix

None

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XI. Certificate of Service

None